

**REMARKS**

Claims 1-26 are all the claims pending in the application

**Claim Rejections 35 U.S.C. § 102**

Claims 1-26 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,483,873 (Sugahara). Applicants respectfully traverse the rejections at least because Sugahara fails to teach or suggested every element as claimed.

Claim 1 sets forth propagating an information signal from an apparatus to an external apparatus. The attributive information propagated by the apparatus to the external apparatus can then be used in the external apparatus to control recording. Claims 4, 5, 7 and 9 also teach the propagation of an information signal with an external apparatus. Claims 1, 4, 5, 7 and 9 are all allowable over Sugarahara at least because Sugahara fails to teach or suggest any propagation which involves an external apparatus.

The Examiner appears to consider the apparatus protection information of Sugahara as meeting the attributive information of claim 1 (*See* Sugahara Fig. 1, element 12). However, the apparatus protection information of Sugahara does not meet the requirements of claim 1 at least because the apparatus protection information of Sugahara is used only for *internally* determining a level of protection. The apparatus protection information is compared with medium protection information (*See* Fig. 1, elements 11 and 13) to determine a protection control level for only the apparatus (2) itself. Any signal that is output from the Sugahara apparatus does not include the apparatus protection signal.

Also, if the Examiner considers the protection control signal output from the signal generating section 14 to correspond to the attributive information, claim 1 still does not read on

the reference. Claim 1 requires controlling recording based on attributive information and copy control information. However, the medium protection data shown in Fig. 1 of Sugahara can not correspond to the copy control information because it is stripped from the video data via the demultiplexer 10. (*See* Sugahara column 7, lines 4-11) Therefore, if there is any subsequent recording once the video signal is output from the control section 14, the recording can only be controlled with the protection control signal (i.e., the alleged attributive information) and not both the protection control signal and the medium protection data (i.e. the alleged copy control information).

Even if Sugahara did suggest any subsequent recording, the recording device would not receive the apparatus protection signal.

In contrast, as noted above, the claimed invention includes propagation of the attributive information which involves an external apparatus. In this manner external apparatuses can use the attributive information to control recording. For example, the information signal transmitted in claim 1 includes both copy control information and attributive information. With reference to the non-limiting embodiment shown in Fig. 6, the propagated attributive information can be detected by a recording apparatus along with a water mark representing the copy control information. Since Sugahara teaches only a single protection control signal added to a main video data, it cannot operate in the same manner. Accordingly, Applicants submit that claim 1, 4, 5, 7 and 9 are allowable over Sugahara.

Claims 2, 3, 6, 8 and 10 depend from one of claims 1, 5, 7 and 9 and are therefore allowable at least because of their dependency.

With respect to claims 11, 15, 17, 19 and 23, Applicants submit that they are allowable over Sugahara at least because Sugahara fails to teach or suggest replacing information at a recording position set in advance with predetermined attributive information, as set forth in these claims.

Claims 11, 15, 17, 19 and 23 set forth replacing information at a recording position set in advance with predetermined attributive information. In contrast, Sugahara teaches "a presettable memory device which will be assumed to be a ROM (read-only memory) which generates apparatus protection data expressing a protection level referred to in the following as an apparatus protection level." (*see* column 6, lines 1-6). Accordingly, in Sugahara, protection data is generated from ROM and merely used internally in the apparatus. Sugahara does not teach replacing information signals with protection data. Accordingly, claims 11, 15, 17, 19 and 23 are allowable over Sugahara.

Claims 12-14, 16, 18, 20-22 and 24-26 depend from one of claims 11, 15, 17, 19 and 23 and are therefore allowable at least because of their dependency.

### **Conclusion**

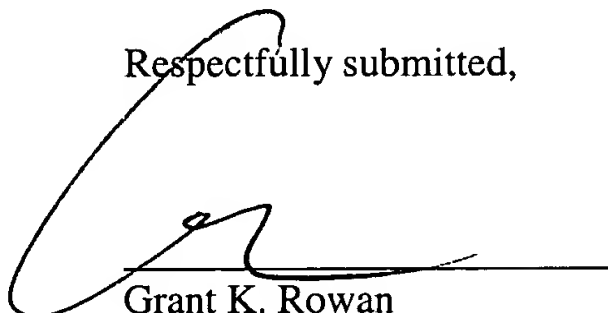
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/874,220

Q64853

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Grant K. Rowan', written over a horizontal line.

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